

Article - Health Occupations

[\[Previous\]](#)[\[Next\]](#)

§7-4A-06.

(a) Subject to the provisions of this subtitle, a person may recover compensation from the Fund for an actual pre-need trust fund loss that occurred on or after January 1, 2010, and is based on an act or omission as described in subsection (b) of this section.

(b) A claim for the loss shall:

(1) Be based on an act or omission that occurs in the provision of funeral pre-need services by:

- (i) A licensed mortician;
- (ii) A licensed funeral director;
- (iii) A licensed apprentice mortician;
- (iv) A licensed apprentice funeral director; or
- (v) An unlicensed employee of a licensed funeral establishment;

(2) Involve a transaction that relates to pre-need funeral planning that occurred in the State; and

(3) Be based on an act or omission:

- (i) In which pre-need money is obtained from a person by theft, embezzlement, false pretenses, or forgery; or
- (ii) That constitutes fraud or misrepresentation.

(c) The amount recovered for any claim against the Fund:

- (1) May not exceed the actual monetary loss suffered; and
- (2) May not include noneconomic, consequential, or punitive damages.

(d) A funeral establishment shall include in each sales contract that is provided by the funeral establishment a written notice to the buyer that the buyer may file a claim with the Fund.

[\[Previous\]](#)[\[Next\]](#)